

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KENYO PRUITT,

Plaintiff,

v.

**THE SANTIAM CORRECTIONAL
INSTITUTION; STATE OF OREGON;
OREGON DEPARTMENT OF
CORRECTIONS; COLLETTE S. PETERS,**
in her official/individual capacity as Director
of Oregon Department of Corrections;
MRS. HENDRIX, in her individual/official
capacity as Superintendent of Santiam
Correctional Institution; **C/O LIEUTENANTS
STIFLE** and **LT. DOES 1–30,** in their individual/
official capacity as Lieutenant Correctional
Officers of SCI, and **C/O DOES NO. 1–30,**

Defendants.

MOSMAN, J.,

On May 29, 2019, Magistrate Judge John V. Acosta issued his Findings and
Recommendation (F&R) [24], recommending that I GRANT Defendants' Motion for Summary
Judgment [11]. Neither party objected.

No. 6:18-cv-01119-AC

OPINION AND ORDER

DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [24] in full. Defendants' Motion for Summary Judgment [11] is GRANTED. Plaintiff's Complaint [2] is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 16 day of July, 2019.



MICHAEL W. MOSMAN
Chief United States District Judge